

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

Jia Sheng,

Plaintiff,

Hon. Hugh B. Scott

12CV1103¹

v.

Order

M&T Bank Corporation et al.,

Defendant.

Upon review of the pretrial papers submitted by the respective parties, the Court notes the following issues:

California State Law Claims

The plaintiff has not submitted any proposed jury instructions relating to the claims asserted under the California Family Rights Act [Count 8] and California Pregnancy Disability Leave Law [Count 9] as asserted in the Amended Complaint. The Court assumes that these claims have been abandoned.

¹ The parties have consented to the jurisdiction of the Magistrate Judge (Docket No. 39).

Unconditional Offer of Reinstatement

In the event that the Court determines that an unconditional offer of reinstatement was made and rejected in this case, the parties shall advise the Court as to what causes of action would remain to be presented to a jury. **The parties are directed to advise the Court in writing by Wednesday, October 29, 2014 as to which of the plaintiff's claims would survive.** The parties shall refer specifically to the counts in the Amended Complaint and provide the Court with factual basis and legal authority relating to their respective position as to each surviving claim.

Damages

In the plaintiff's Memorandum in Further Support of the Motion in Limine (Docket No. 72), the plaintiff asserts that even if an unconditional offer of reinstatement had been made, the plaintiff would continue to have "viable claims to recover compensatory, punitive and liquidated damages." (Docket No. 72 at page 8). **In their October 29, 2014 filing, the plaintiff shall advise the Court as to the factual basis and legal authority of the remaining claims for compensatory, punitive and liquidated damages.**

So Ordered.

Buffalo, New York
October 27, 2014

/s/ Hugh B. Scott
United States Magistrate Judge
Western District of New York